

Annapolis Conservancy Board

Thursday, May 13, 2010, 5:30pm

Truxtun Park Recreation Center, Room #1

Meeting Minutes

Members Present:

Jay Baldwin, **Chair**
David Fogle

Tom Lippert, Vice Chairman
Jon Chapman

Karen Jennings
Joel Dunn

Members Absent:

Gretchen Clift

AMENDED

Staff Present:

Frank Biba

Tami Hook, Recorder

Guest Present:

Rebekah Howie

Rand Wentworth

HOUSEKEEPING:

March 11, 2010 Meeting Minutes

Mr. Fogle moved approval of the March 11, 2010 meeting minutes as written. Mr. Baldwin seconded the motion. The motion passed unanimously in a vote of 6-0.

Review Minutes & Activities of Other City Boards

The minutes of other City Boards and Commissions were provided for review. Members were encouraged to submit any questions or concerns to staff.

Mail

There was no mail for distribution or review.

NEW BUSINESS:

A. Rand Wentworth, Land Trust Alliance

Mr. Wentworth, Executive Director of the Land Trust Alliance, advised the Board about issues occurring before Congress that will impact the Annapolis Conservancy Board and updated the Board on some of the latest national trends. He referred members to the Land Trust Magazine that includes an article on the Board's model. He believes that the ACB model will be helpful to other communities who are exploring other funding options for land preservation. He is interested in sharing the ACB model with other communities to highlight the things that are working. He expressed an interest in learning how the Board was able to obtain conservation easements on properties using the zoning building process.

Mr. Wentworth explained that conservation does not currently have the highest profile in Congress due to the war and economic recession. There are 265 co-sponsors for a bill to make the tax incentives for donated conservation easements a part of the permanent tax code. This has been renewed twice but expired December 31, 2009. He noted that there have been no tax bills coming out of the Rules Committee over the past year, hence the need for co-sponsors. The extender package has passed the House and Senate but included a pay as you go

component. The House version of the bill will be adjusted and brought to the floor in a few days. If this goes well, the bill could be passed by Memorial Day and will entitle taxpayers to the tax incentive for 2010 retroactively. He will send a link of the White House website to the Board so that they can submit comments.

Mr. Wentworth briefed the Board that the big emerging issue is violations of litigation on conservation easements once it changes owners. He noted that LTA created a Conservation Defense Center that includes a network of attorneys that can help to resolve easements that are under attack. They are also trying to create a privately owned litigation fund to fight these attacked entities as well. He explained how this program will work: A land trust will be entitled to \$500,000 insurance coverage for \$60 per easement, per year. This fund will not be created unless there is enough interest. He concluded his presentation by reminding the Board that LTA has created national standards and practices for land trust that embodies practices that are done well to maintain public trust. There will be a national accreditation program for those land trust who want to go through the process, confirming that they have implemented best standards and practices. He asked the Board if there are any suggestions to pass onto other communities around the country on the best approach. Mr. Lippert explained that helping the smaller conservancy land trusts and offering them something that works should be a priority.

B. Conservation Easement Inspections

Mr. Chapman, Ms. Jennings and Mr. Biba reported back on the easements that they inspected. Mr. Chapman asked if the easement inspections should be kept on a form for record keeping purposes. Mr. Baldwin concurred that a written record is necessary to include the inspector, date and state of the easement. Mr. Chapman agreed to provide staff with a copy of the form that MET currently uses. Mr. Chapman and Ms. Jennings will work together to update the form to fit the Board's needs and send out for comment. Staff explained that the City's website show 18 easements. Staff and the Board will review the list of those easements that **need** to be inspected and assign individuals to inspect those sites.

C. Brewer Avenue Easement

Ms. Jennings reminded members of the email correspondence between Mr. Baldwin and Mr. van Zutphen regarding a property owner that contacted DNEP for permission to clear invasives and remove debris from the nearby stream. The adjacent property owners have been working to remove invasives from the easement. There was a site meeting between DNEP staff, **Ms. Jennings** and adjacent homeowners to review the invasives problem and stream valley. DNEP agreed to provide them with a list of native plants that can be planted to replace those removed. Ms. Jennings noted that the owner passed away and the person who inherited the property is not interested in maintaining it so this will provide an opportunity for the City to pursue this as donated land.

Mr. Chapman moved to recommend that the City try to acquire this 2.29-acre easement. Mr. Dunn seconded the motion. The motion passed unanimously in a 6-0. Mr. Dunn and Mr. Chapman agreed to work together to prepare the letter.

OLD BUSINESS:

A. Annual Report

Mr. Baldwin requested a paper copy of the approved Annual Report for the Board members. Mr. Biba was asked to put the report on the website for review.

B. Land and Water Conservation Fund Update

Mr. Dunn updated explained that the oil spill has slowed down the Land and Water Conservation Fund agenda because a lot of the revenues for the fund come from offshore oil drilling. He reminded the Board that there is a national push to get full funding for land and water conservations that would be distributed in the form of Federal and State side grants. This year's budget has been funded at \$600m. A letter was sent to Congressmen Kratovil and Sarbanes who are supportive of the effort. He concluded by explaining that Ms. Leslie Kane-Sisal, who worked for the Land Trust Alliance, is heading the movement called "Outdoor America." He recommended inviting her to an upcoming Board meeting to update the Board on the status of the effort.

C. New ACB Brochure

Ms. Jennings reminded members that she agreed to prepare a write up for the brochure after she received the LTA Magazine Article. The article will be provided to her via email by staff. Ms. Jennings agreed to prepare the write up for review and comment at the next meeting.

D. Environmental Idea Team Report

Ms. Jennings reminded members that there was land preservation issues included in the Environmental Idea Team (EIT) report. She clarified that these issues relate to whether the Board can implement any of the ideas that relate to funding and liability issues. Mr. Dunn explained that the EIT discussed taking advantage of the tax structures that various organizations are promoting. He went over some of the recommendations of the EIT, specifically the recommendation that the City recapture the open space monies previously allocated from the County from previous years, as well as put up matching funds for green projects. He believes that there needs to be a master recreation land assessment for use of these programmed open space funds. He further believes the Board should send a letter to Mayor expressing their support for the ETI report recommendations. He agreed to come back to the Board with recommendations on how to address these issues. Ms. Jennings will draft a letter of support that focuses on the Board's issues of concerns for review.

E. Post Haste Easement

Staff reported that the document was written and sent to the three property owners who have not returned the document as of yet.

F. Admiral Oaks Easement

Staff reported that the document was written and sent to HACA. It has not been returned yet but is anticipated soon.

G. Kingsport Easement

Staff noted that there has been no movement on this project as result of the litigation.

H. Spa Cove Easement

Staff explained that this is fee simple property as part of the August Woods construction. Ms. Jennings reminded the Board that Planning and Zoning was supposed to be negotiating access through the private property. Staff will discuss this further with Mr. Arason.

I. Baywoods Easement

Staff provided a copy of an email from Mr. Karl Hoke of the Baywoods HOA that addresses issues raised by Mr. Chapman regarding the fallen pines that are creating open space for the growth of invasives.

J. **Budget**

Ms. Jennings reminded members that at the last meeting the Board agreed to prepare a letter of justification for renewing the Land Trust Alliance membership. Staff will contact Planning and Zoning to determine the Board's budget and Mr. Dunn will forward a link to the LTA membership site so that payment can be processed. **Mr. Dunn agreed to forward the justification memo for renewing the LTA membership to staff.**

K. **Park Place**

Ms. Jennings clarified that she had a question regarding whether the Park Place land is an easement. Staff will check into this and report back.

The next meeting is scheduled for July 8, 2010 at 5:30pm at Truxtun Park Recreation Center. With there being no further business, Mr. Lippert moved to adjourn the meeting at 7:32pm. Mr. Chapman seconded the motion. The motion passed unanimously in a vote 5-0.

Tami Hook, Recorder